

United States Courts  
Southern District of Texas  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

OCT 22 1998 HC

Michael N. Milby, Clerk of Court

LILLIAN HAYDEN, et al  
Plaintiffs

vs.

ATOCHEM NORTH AMERICA, INC.  
et al.  
Defendants

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§

CASE NUMBER H-92-CV-1054

**RESPONSE AND OBJECTIONS OF DAWN EPPERS, RAYMOND EPPERS,  
SUSAN GARCIA, ROY GARCIA, DONNA CRUMBLEY AND  
D. LARRY CRUMBLEY TO RESTATED CLASS DEFINITION**

Dawn Eppers, Raymond Eppers, Susan Garcia, Roy Garcia, Donna Crumbley and D. Larry Crumbley, Objectors, make and file their Response and Objections to Restated Class Definition ("Objection") and state the following.

1. Objectors were not provided a copy of any "restated class definition." Objectors received a letter dated October 16, 1998, a true and correct copy of which is attached hereto as Exhibit "A", but no "restated class definition" was provided with the letter and none was otherwise served on Objectors' counsel. Objectors' counsel contacted counsel for Defendants to request a copy of the "restated class definition" on October 22, 1998. As of the filing of this Objection, a copy had not been received. As a result, Objectors cannot do anything other than adopt their objections filed on April 10, 1996, and restate those objections which are incorporated herein by reference.

2. Additionally, Objectors join in the objections filed by any other party to the extent applicable to their claims. Objectors are property damage claimants. Objectors object to any "non-opt out" provisions included in any class certification or definition which would be applicable to them. At this point, Objectors cannot make further comment on or objection to any "restated class definition" and, accordingly, reserve the right to make further comment on or objection to such definition if, as

and when one is provided to their counsel.

Objectors respectfully request that the Court sustain their objections and grant them such other relief, both general and special, in equity and at law, to which they may show themselves justly entitled.

Respectfully submitted,

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By: 

Kyle R. Sears  
State Bar No. 17959800

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been sent by United States mail, to the following parties on this the 22<sup>nd</sup> day of October, 1998.

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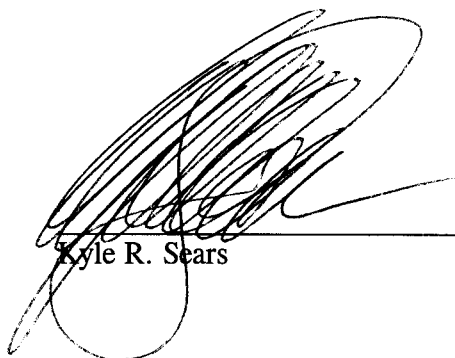
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# Vinson & Elkins

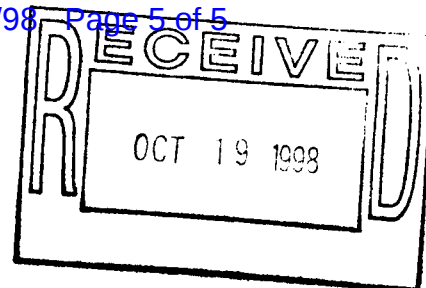
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October 16, 1998

The Honorable Lynn N. Hughes  
United States District Judge  
Southern District of Texas, Houston Division  
United States District Court  
for the Southern District of Texas  
515 Rusk  
Houston, Texas 77208

VIA MESSENGER

Re: C.A. No. H-92-1054; *Lillian Hayden, et al. v. Atochem North America, Inc., et al.*;  
In the United States District Court for the Southern District of Texas, Houston  
Division

Dear Judge Hughes:

Defendants in the above referenced case are filing jointly with class counsel today a final "re-stated" class definition in response to the Court's order dated September 24, 1998 (Docket Entry No. 891). Under separate cover, Defendants will also file next week a memorandum in support of the class certification.

Very truly yours,

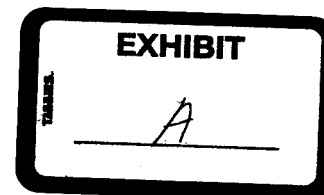
Vinson & Elkins L.L.P.

A handwritten signature in dark ink, appearing to read "Knox Nunnally", with a large, stylized flourish extending from the bottom right.

Knox Nunnally  
Counsel for Defendants

cc: Mr. Michael N. Milby, Clerk  
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Counsel of Record



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